



**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)**

**TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	10/005,873
Filing Date	December 07, 2001
First Named Inventor	Gordon K. WHITNEY, et al.
Group Art Unit	1761
Examiner Name	Curtis Edward Sherrer
Attorney Docket Number	28689-189

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application

**NOTE:** 37 C.F.R. § is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.1.03(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 500417.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) **\$770.00**
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other (additional claims, etc.)
- b. ☐ Check in the amount of \$\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Cameron K. Weiffenbach	Registration No. (Attorney/Agent)	44,488
Signature		Date	August 30, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name(Print/Type)		Date	
Signature			



Docket No.: 28689-189

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
	:	
Gordon K. WHITNEY, et al.	:	Confirmation Number: 7964
	:	
Serial No.: 10/005,873	:	Group Art Unit: 1761
	:	
Filed: December 07, 2001	:	Examiner: Curtis Edward Sherrer
	:	
For: IMPROVED PRODUCTION FOR TEQUILA	:	

**PRELIMINARY AMENDMENT**

Mail Stop Preliminary Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Preliminary Amendment and Request for Continued Examination (RCE) is being filed subsequent to the Notice of Appeal and the Three Month Extension of Time which were filed on March 2, 2004. The above-referenced patent application has been amended as set forth below.

Please cancel claims 2 and 3 without prejudice or disclaimer.

Please amend claims 1 and 4-7 as set forth in the "Amendments to the Claims" on pages 2 to 3 of this response.